

TITLE I - HELPING DISADVANTAGED CHILDREN MEET HIGH STANDARDS

Section 101, declaration of policy and statement of purpose [ESEA, §1001]. Section 101(a) of the bill would amend the statement of policy in section 1001(a) of the ESEA by deleting paragraph (2), which called for an annual increase in appropriations of at least \$750 million from fiscal years 1996 through 1999.

Section 101(b) would amend the statement of need in section 1001(b) of the ESEA to reflect the bill's proposal to move the text of the National Education Goals from the Goals 2000: Educate America Act to section 3 of the ESEA, and to add a paragraph (6) noting the benefits of holding local educational agencies (LEAs) and schools accountable for results.

Section 101(c) would update the statement, in section 1001(c), of what has been learned, to reflect experience and research since that statement was enacted in 1994, including the addition of six new findings.

Section 101(d) would add, to the list of activities through which Title I's purpose is to be achieved, promoting comprehensive schoolwide reforms that are based on reliable research and effective practices.

Section 102, authorization of appropriations [ESEA, §1002]. Section 102 of the bill would restate, in its entirety, section 1002 of the ESEA, which authorizes the appropriation of funds to carry out the various Title I programs. As revised, section 1002 would authorize the appropriation of "such sums as may be necessary" for fiscal years 2001 through 2005 for grants to LEAs under Part A, the Even Start program under Part B, the education of migratory children under Part C, State agency programs for neglected or delinquent children under Part D, the Reading Excellence program (to be transferred to Part E from Title II), and certain Federal activities under section 1502 (to be redesignated as section 1602). Funds would no longer be authorized for capital expenses relating to the provision of Title I services to children in private schools. In addition, certain school-improvement activities would be funded by requiring States to dedicate a portion of their Title I grants to those activities, rather than through a separate authorization as in current law.

Section 103, reservations for accountability and evaluation [ESEA, §1003]. Section 103 of the bill would amend, in its entirety, section 1003 of the ESEA, to require each SEA to reserve 2.5 percent of its annual Basic Grant under Part A of

Title I to carry out the LEA and school improvement activities described in sections 1116 and 1117 in fiscal years 2001 and 2002, and 3.5 percent of that amount for that purpose in subsequent fiscal years. This requirement, which is an important component of the bill's overall emphasis on accountability for results, will ensure that each participating State devotes a sufficient portion of its Part A funds to the critical activities described in those sections. In addition, the SEA would have to allocate at least 70 percent of the reserved amount directly to LEAs in accordance with certain specified priorities or use at least that portion of the reserved amount to carry out an alternative system of school and LEA improvement and corrective action described in the State plan and approved by the Secretary.

Section 1003(b) of the ESEA would permit the Secretary to reserve up to 0.30 percent of each year's Title I appropriation to conduct evaluations and studies, collect data, and carry out other activities under section 1501.

PART A – BASIC GRANTS

Section 111, State plans [ESEA, §1111]. Section 111(1)(A) of the bill would amend section 1111(a)(1) of the ESEA, which requires a State that wishes to receive a Basic Grant under Part A of Title I to submit a State plan to the Secretary of Education (the Secretary). Section 111(1)(A)(i) would add language emphasizing that the purpose of a State's plan is to help all children achieve to high State standards and to improve teaching and learning in the State.

Section 111(1)(A)(ii) would add, to the list of other programs with which the plan must be coordinated, a specific reference to the Individuals with Disabilities Education Act (IDEA) and the Carl D. Perkins Vocational and Technical Education Act of 1998. This section would also delete a reference to the Goals 2000: Educate America Act, which another provision of the bill would repeal, and delete a cross-reference to a section in Title XIV that another provision of the bill would repeal.

Section 111(1)(B) would improve the readability of section 1111(a)(2), which permits a State to submit its Part A plan as part of a consolidated plan under section 14302 (to be redesignated as §11502).

Section 111(2)(A) would add a reference to accountability to the heading of section 1111(b), to reflect the proposed addition of language on that topic as section 1111(b)(3).

Section 111(2)(B)(i) would streamline section 1111(b)(1)(B), which requires that the challenging content and student-performance standards each State must use in carrying out Part A be the same standards that the State uses for all schools and children in the State, to reflect the progress that States are expected to have made under current law by the effective date of the bill.

Section 111(2)(B)(ii) would delete outdated language from section 1111(b)(1)(C), which provides that, if a State has not adopted content and student-performance standards for all students, it must have those standards for children served under Part A in subjects determined by the State, which must include at least mathematics and reading or language arts.

Section 111(2)(C) would delete current section 1111(b)(2), which requires States to describe, in their plans, what constitutes adequate yearly progress by LEAs and schools participating in the Part A program. This requirement would be

replaced by the new provisions on accountability in section 1111(b)(3), described below. Section 111(2)(C) would also redesignate paragraph (3) of section 1111(b), relating to assessments, as paragraph (2).

Section 111(2)(D)(i) would clarify that States must start using the yearly assessments described in current paragraph (3) of section 1111(b) (which the bill would redesignate as paragraph (2)) no later than the 2000-2001 school year.

Section 111(2)(D)(ii) would amend subparagraph (F) of current of section 1111(b)(3), relating to assessments of limited English proficient (LEP) children. Clauses (iv) and (v) would be added to require, respectively, that: (1) LEP students who speak Spanish be assessed with tests written in Spanish, if Spanish-language tests are more likely than English-language tests to yield accurate and reliable information on what those students know and can do in content areas other than English; and (2) tests written in English be used to assess the reading and language arts proficiency of any student who has attended school in the United States for three or more consecutive years.

Section 111(2)(E) would add a new provision on accountability as section 1111(b)(3). It would replace the current requirement that States establish criteria for "adequate yearly progress" in LEAs and schools with a requirement that they submit an accountability plan as part of their State applications, reflecting the critical role that accountability plays as a component of overall systems. In particular, each State would have to have an accountability system that is based on challenging standards, includes all students, promotes continuous improvement, and includes rigorous criteria for identifying and intervening in schools and districts in need of improvement. This proposal addresses concerns that many current accountability systems focus only on overall school performance and divert attention away from the students who need the greatest help.

Section 111(2)(F) would make a conforming amendment to section 1111(b)(4).

Section 111(2)(G) would delete paragraphs (5), (6), and (7) from section 1111(b). Paragraph (5) requires States to identify languages other than English that are present in the participating school population, to indicate the languages for which assessments are not available, and to make every effort to develop those assessments. This provision is burdensome and unnecessary. Paragraph (6) describes the schedule, established

in 1994, for States to develop the necessary standards and assessments, while paragraph (7) governs the transition period during which States were not required to have "final" standards and assessments in place. These provisions would be obsolete by the time the bill takes effect. Instead, section 112(2)(G) would enact a new paragraph (5), providing that while a State may revise its assessments at any time, it must comply with the statutory timelines for identifying, assisting, and taking corrective action with respect to, LEAs and schools that need to improve.

Section 111(2)(H) and (I) would redesignate paragraph (8) of section 1111(b) as paragraph (6) and make conforming amendments to cross-references in that paragraph.

Section 111(3) of the bill would amend section 1111(c) of the ESEA, to significantly shorten the list of assurances that each State must include in its plan.

Section 111(4)(A) would delete section 1111(d)(2), relating to withholding of funds from States whose plans don't meet section 1111's requirements. That provision duplicates Part D of the General Education Provisions Act, which establishes uniform procedures and rules for withholding and other enforcement actions across a broad range of programs, including the ESEA programs, administered by the Department of Education.

Section 111(4)(B) would make technical amendments to section 1111(d)(1).

Section 111(4)(C) would amend current section 1111(d)(1)(B) to require the Secretary to include experts on educational standards, assessments, accountability, and the diverse educational needs of students in the peer-review process used to review State plans.

Section 111(5) would amend section 1111(e) to require each State to submit its plan to the Secretary for the first year for which Part A is in effect following the bill's enactment.

Section 111(6) would replace subsection (g) of section 1111, which is obsolete by its terms, with language permitting the Secretary to take any of the actions described in proposed section 11209 if the Secretary determines that a State is not carrying out its responsibilities under the new accountability provisions in section 1111(b)(3). These actions, which apply under section 11209 in the case of a State that fails to carry out its responsibilities under proposed Part B of Title XI (relating to teacher quality, social promotion, LEA and school

report cards, and school discipline) would afford the Secretary a broad range of actions, ranging from providing technical assistance to withholding funds.

Section 112, local educational agency plans [ESEA, §1112].
Section 112(1) of the bill would amend section 1112(a)(1) of the ESEA, which requires an LEA that wishes to receive subgrants under Part A of Title I to have a plan on file with, and approved by, the State educational agency. The bill would add, to the list of other programs with which the plan must be coordinated, a specific reference to the IDEA and the Carl D. Perkins Vocational and Technical Education Act of 1998. The bill would also delete a reference to the Goals 2000: Educate America Act, which another provision of the bill would repeal, and delete an inappropriate cross-reference.

Section 112(2)(A) would add language to section 1112(b) to emphasize that the purpose of an LEA's plan is to help all children achieve to high standards.

Section 112(2)(B) would amend section 1112(b)(1), relating to any student assessments that the LEA uses (other than those described in the State plan under section 1111), to require the LEA's plan to describe any such assessments that it will use to determine the literacy levels of first graders and their need for interventions and how it will ensure that those assessments are developmentally appropriate, use multiple measures to provide information about the variety of relevant skills, and are administered to students in the language most likely to yield valid results.

Section 112(2)(C) would amend section 1112(b)(3) to require an LEA's professional development strategy under Part A to also be a component of its professional development plan under the new Title II, if it receives Title II funds.

Section 112(2)(D) would amend section 1112(b)(4)(B) to remove an obsolete reference; conform that provision to the proposed repeal of Subpart 2 of Part 2 of Title I, relating to local programs for neglected or delinquent children; and include Indian children served under Title IX of the ESEA in the categories of children for whom an LEA's plan must describe the coordination of Title I services with other educational services those children receive.

Section 112(2)(F) would amend section 1112(b)(9), relating to preschool programs, to replace language in that provision with a cross-reference to new language that the bill would add to section 1120B.

Section 112(2)(G) would amend section 1112(b) to require LEAs to include two additional items in their plans: (1) a description of the actions it will take to assist its low-performing schools, if any, in making the changes needed to educate all children to the State standards; and (2) a description of how the LEA will promote the use of extended learning time, such as an extended school year, before- and after-school programs, and summer programs.

Section 112(3) would amend section 1112(c), which describes the assurances that an LEA must include in its application, to conform to other provisions in the bill and to delete obsolete provisions relating to the Head Start program. Instead, the new Head Start standards would be incorporated into proposed section 1120B. Section 112(3) would also require that an LEA include new assurances that it will: (1) annually assess the English proficiency of all LEP children participating in Part A programs, use the results of those assessments to help guide and modify instruction in the content areas, and provide those results to the parents of those children; and (2) comply with the requirements of section 1119 regarding teacher qualifications and the use of paraprofessionals.

Section 112(4) would amend section 1112(d), relating to the development and duration of an LEA's plan, to require the LEA to submit the plan for the first year for which Part A, as amended by the bill, is in effect, and to require an LEA to submit subsequent revisions to its plan to the SEA for its approval.

Section 112(5) would amend section 1112(e), relating to State review and approval of LEA plans, to require that States use a peer-review process in reviewing those plans, and to remove some obsolete language.

Section 113, eligible school attendance areas [ESEA, §1113]. Section 113(1) of the bill would amend section 1113, relating to eligible school attendance areas, to clarify language relating to waivers of the normal requirements for school attendance areas covered by State-ordered or court-ordered desegregation plans, and to afford the same treatment to voluntary desegregation plans approved by the Secretary.

Section 113(2)(C) would restore to section 1113 the authority for an LEA to continue serving an attendance area for one year after it loses its eligibility. This language, which was removed from the Act in 1994, would give LEAs flexibility to prevent the abrupt loss of services to children who can clearly

benefit from them, as individual attendance areas move in and out of eligibility from year to year.

Section 113(3)(A) would add, as section 1113(c)(2)(C), language to clarify that an LEA may allocate greater per-child amounts of Title I funds to higher-poverty areas and schools than it provides to lower-poverty areas and schools.

Section 113(3)(B) would amend section 1113(c)(3) to require an LEA to reserve sufficient funds to serve homeless children who do not attend participating schools, not just when the LEA finds it "appropriate". Some LEAs have invoked the current language as a justification for failing to provide services that they should provide.

Section 114, schoolwide programs [ESEA, §1114]. Section 114(a)(1) and (2) of the bill would amend section 1114(a) of the ESEA, which describes the purpose of, and eligibility for, schoolwide programs under section 1114, by revising the subsection heading to more accurately reflect subsection (a)'s contents, and to delete current paragraph (2), which is obsolete.

Section 114(a)(3)(A) would make a conforming amendment to section 1114(a)(4)(A) to reflect the bill's redesignation of section 1114(b)(2) as section 1114(c).

Section 114(a)(3)(B) would amend the prohibition on using IDEA funds to support a schoolwide program to reflect the fact that section 613(a)(2)(D) of the IDEA, as enacted by the IDEA Amendments of 1997, now permits funds received under Part B of that Act to be used to support schoolwide programs, subject to certain conditions.

Section 114(a)(4) would delete paragraph (5) of section 1114(a), relating to professional development in schoolwide programs. That topic is addressed by other applicable provisions, including the revised statement of the required elements of schoolwide programs. See, especially, proposed sections 1114(b)(2)(C) and 1119.

Section 114(b)(1) would delete section 1114(c), which duplicates other provisions relating to school improvement, and section 114(b)(2) would redesignate current subsection (b)(2) as subsection (c). Under this revised structure, subsection (b) would list the required components of a schoolwide program, and subsection (c) would describe the contents of a plan for a schoolwide program.

Section 114(c) would revise the statement of the elements of a schoolwide program in section 1114(b) in its entirety. The revised statement would strengthen current law, to reflect experience and research over the past several years, including significant aspects of the Comprehensive School Reform Demonstration program.

Section 114(d)(1) - (4) would amend the requirements of section 1114 relating to plans for schoolwide programs (current subsection (b)(2), which the bill would redesignate as subsection (c)), to delete an obsolete reference and make technical and conforming amendments.

Section 114(d)(5) would add, as section 1114(c)(3), language requiring peer review and LEA approval of a schoolwide plan before the school implements it.

Section 115, targeted assistance schools [ESEA, §1115].
Section 115(1)(A)(i)(I) would make a technical amendment to section 1115(b)(1)(A) of the ESEA.

Section 115(1)(A)(ii) would delete the requirement that children be at an age at which they can benefit from an organized instructional program provided at a school or other educational setting in order to be eligible for services under section 1115. This change would make clear that preschool children of any age may be served under Part A as long as they can benefit from an organized instructional program.

Section 115(1)(B)(i) would amend section 1115(b)(2), which addresses the eligibility of certain groups of children, by deleting references to children who are economically disadvantaged. The current reference to that category of children is confusing, because it erroneously assumes that there are specific eligibility requirements for them.

Section 115(1)(B)(ii) would clarify that children who, within the prior two years, had received Title I preschool services are eligible for services under Part A, as are children who participated in a Head Start or Even Start program in that period.

Section 115(1)(B)(iii) and (iv) would amend section 1115(b)(2)(C) and (D) to clarify that certain other groups of children are eligible for services under section 1115.

Section 115(2)(C) would streamline section 1115(c)(1)(E), relating to coordination with, and support of, the regular education program.

Section 115(2)(D) would amend section 1115(c)(1)(F) to emphasize that instructional staff must meet the standards set out in revised section 1119.

Section 115(2)(E) would make a technical amendment to section 1115(c)(1)(G).

Section 115(2)(F) would correct an error in section 1115(c)(1)(H).

Section 115(3) would delete section 1115(e)(3), relating to professional development, because other provisions of Part A would address that topic.

Section 115A, school choice [ESEA, §1115A]. Section 115A of the bill would make a conforming change to section 1115A(b)(4) of the ESEA.

Section 116, assessment and local educational agency and school improvement [ESEA, §1116]. Section 116(a) of the bill would revise subsections (a) through (d) of section 1116 of the ESEA, in their entirety, as follows:

Section 1116(a), relating to LEA reviews of schools served under Part A, would be revised to conform to amendments that the bill would make to section 1111 (State plans).

Section 1116(b) would provide examples of the criteria a State could use in designating Distinguished Schools, and would delete the cross-reference to section 1117, to reflect the bill's streamlining of that section.

Section 1116(c)(1) - (3), relating to an LEA's obligation to identify participating schools that need improvement, and to take various actions to bring about that improvement, would be strengthened, consistent with the bill's overall emphasis on greater accountability. In particular, section 1116(c)(3)(A) would require each school so identified by an LEA, within three months of being identified, to develop or revise a school plan, in consultation with parents, school staff, the LEA, and a State school support team or other outside experts. The plan would have to have the greatest likelihood of improving the performance of participating children in meeting the State student performance standards, address the fundamental teaching and learning needs in the school, identify and address the need to improve the skills of the school's staff through effective professional development, identify student performance targets and goals for the next three years, and specify the

responsibilities of the LEA and the school under the plan. The LEA would have to submit the plan to a peer-review process, work with the school to revise the plan as necessary, and approve it before it is implemented.

Section 1116(c)(5)(C) would be revised to make clear that, with limited exceptions, an LEA would have to take at least one of a list of specified corrective actions in the case of a school that fails to make progress within three years of its identification as being in need of improvement. The list would be limited to four possible actions, each of which is intended to have serious consequences for the school, to ensure that the LEA takes action that is likely to have a positive effect.

Section 1116(d), relating to SEA review of LEA programs, would similarly be revised to conform to other provisions of the bill relating to accountability for achievement; to remove obsolete provisions; and to require an LEA that has been identified by the SEA as needing improvement to submit a revised Part A plan to the SEA for peer review and approval. In addition, the bill would strengthen and clarify language relating to the corrective actions that SEAs must take in the case of an LEA that fails to make sufficient progress within three years of being identified by the SEA as in need of improvement.

Section 117, State assistance for school support and improvement [ESEA, §1117]. Section 117 of the bill would substantially streamline section 1117 of the ESEA, relating to State support for LEA and school support and improvement. Much of current section 1117 is needlessly prescriptive and otherwise unnecessary, particularly in light of the strengthened provisions on LEA and school improvement and corrective actions in revised sections 1003(a)(2) and 1116.

Section 1117(a) would retain the requirement of current law that each SEA establish a statewide system of intensive and sustained support and improvement for LEAs and schools, in order to increase the opportunity for all students in those LEAs and schools to meet State standards.

Section 1117(b) would replace the statement of priorities in current section 1117(1) with a 3-step statement of priorities. The SEA would first provide support and assistance to LEAs that it has identified for corrective action under section 1116 and to individual schools for which an LEA has failed to carry out its responsibilities under that section. The SEA would then support and assist other LEAs that it has identified as in need of improvement under section 1116, but

that it has not identified as in need of corrective action. Finally, the SEA would support and assist other LEAs and schools that need those services in order to achieve Title I's purpose.

Section 1117(c) would provide examples of approaches the SEA could use in providing support and assistance to LEAs and schools.

Section 1117(d) would direct each SEA to use the funds available to it for technical assistance and support under section 1003(a)(1) (other than the 70 percent or more that it reserves under section 1003(a)(2)) to carry out section 1117, and would permit the SEA to also use the funds it reserves for State administration under redesignated section 1701(c) (current section 1603(c)) for that purpose.

Section 118, parental involvement [ESEA, §1118]. Section 118(1), (2), and (3) would make conforming amendments to section 1118, relating to parental involvement in Part A programs.

Section 118(4) would amend section 1118(f) so that the requirement to provide full opportunities for participation by parents with limited English proficiency and parents with disabilities, to the extent practicable, applies to all Part A activities, not just to the specific provisions relating to parental involvement.

Section 118(5) would repeal subsection (g) of section 1118, to reflect the bill's proposed repeal of the Goals 2000: Educate America Act.

Section 119, teacher qualifications and professional development [ESEA, §1119]. Section 119(1) would change the heading of section 1119 to "High-Quality Instruction" to reflect amendments made to this section that are designed to ensure that participating children receive high-quality instruction.

Section 119(2) of the bill would delete subsection (f) of section 1119, which is not needed, and redesignate subsections (b) through (e) and (g) of that section as subsections (d) through (h).

Section 119(3) would insert a new subsection (a) in section 1119 to require that each participating LEA hire qualified instructional staff, provide high-quality professional development to staff members, and use at least five percent of its Part A grant for fiscal years 2001 and 2002, and 10 percent of its grant for each year thereafter, for that professional development.

Section 119(4) would insert new subsections (b) and (c) in section 1119 to specify the minimum qualifications for teachers and for paraprofessionals in programs supported with Part A funds. These requirements are designed to ensure that participating children receive high-quality instruction and assistance, so that they can meet challenging State standards.

Section 119(5)(A) would revise the list of required professional development activities in current section 1119(b), which would be redesignated as section 1119(c), to reflect experience and research on the most effective approaches to professional development.

Section 119(5)(B)(iii) would add child-care providers to those with whom an LEA could choose to conduct joint professional development activities under redesignated section 1119(d)(2)(H) (current section 1119(b)(2)(H)).

Section 119(6) would make a conforming amendment to section 1119(g), which would be redesignated as section 1119(h), relating to the combined use of funds from multiple sources to provide professional development.

Section 120, participation of children enrolled in private schools [ESEA, §1120]. Section 120(1)(A) of the bill would add, to section 1120(a)'s statement of an LEA's responsibility to provide for the equitable participation of students from private schools, language to make clear that the services provided those children are to address their needs, and that the teachers and parents of these students participate on an equitable basis in services and activities under sections 1118 and 1119 (parental involvement and professional development).

Section 120(1)(B) would amend section 1120(a)(4) to give each LEA the option of determining the number of poor children in private schools every year, as under current law, or every two years.

Section 120(2)(A)(ii) and (iii) would amend section 1120(b)(1), relating to the topics on which an LEA consults with private school officials about services to children in those schools, to include: (1) how the results of the assessments of the services the LEA provides will be used to improve those services; (2) the amounts of funds generated by poor children in each participating attendance area; (3) the method or sources of data that the LEA uses to determine the number of those children; and (4) how and when the LEA will make decisions about the delivery of services to those children.

Section 120(2)(B)(i) would amend section 1120(b)(2) to require that an LEA's consultation with private school officials include meetings. Consultations through telephone conversations and similar methods, while still permissible, would not, by themselves, be sufficient.

Section 120(2)(B)(ii) would amend section 1120(b)(2) to clarify that LEA-private school consultations are to continue throughout the implementation and assessment of the LEA's Part A program.

Section 120(3) would revise cross-references in section 1120(d)(2) to reflect the redesignation of sections by other provisions of the bill.

Section 120(4) would delete subsection (e) of section 1120(b), which authorizes the award of separate grants to States to help them pay for capital expenses that States and LEAs incur in providing services to children who attend private schools. In light of the Supreme Court's 1997 decision in Agostini v. Felton, which allows LEAs to provide Title I services on the premises of parochial schools, this authority is no longer needed.

Section 120A, fiscal requirements [ESEA, §1120A]. Section 120A(1) of the bill would make a conforming amendment to a cross-reference in section 1120A(a) of the ESEA, which requires an LEA to maintain fiscal effort as a condition of receiving Part A funds.

Section 120A(2) would amend section 1120A(c) of the ESEA, which requires a participating LEA to ensure that it provides services in Title I schools, from State and local sources, that are at least comparable to the services it provides in its other schools.

Section 120A(2)(A) would amend section 1120A(c)(2) to replace the current criteria for determining comparability with three criteria that would capture the concept of comparability more fairly and thoroughly. LEAs would be given until July 1, 2002, to comply with these new criteria.

Section 120A(2)(B) would amend section 1120A(c)(3)(B) to require LEAs to update their records documenting compliance with the comparability requirement annually, rather than every two years.

Section 120B, preschool services and coordination requirements [ESEA, §1120B]. Section 120B(1) of the bill would amend the heading of section 1120B of the ESEA to read "Preschool Services; Coordination Requirements" to more accurately reflect its content.

Section 120B(2) would make a technical amendment to section 1120B(c), relating to coordination of Title I regulations with Head Start regulations issued by the Department of Health and Human Services, to reflect enactment of the Head Start Amendments of 1998.

Section 120B(3) would add a subsection (d) to section 1120B to provide additional direction to preschool programs carried out with Part A funds, and to ensure that those programs are of high quality. This language replaces, and builds on, current section 1112(c)(1)(H).

Section 120C, allocations [ESEA, §§1121-1127]. Section 120C(a) of the bill would amend section 1121(b) of the ESEA, which authorizes assistance to the outlying areas, to correct an internal cross-reference in paragraph (1) and to make the \$5 million total for assistance to the Freely Associated States (FAS) a maximum rather than a fixed annual amount. The Secretary should have the flexibility to determine that an amount less than the full \$5 million may be warranted for the FAS in any given year, particularly in light of possible revisions to their respective compacts of free association.

Section 120C(b) would amend section 1122 of the ESEA, which governs the allocation of Part A funds to the States, by: (1) removing provisions that have expired; (2) describing the amount to be available for targeted assistance grants under section 1125; (3) providing for proportionate reductions in State allocations in case of insufficient appropriations; and (4) retaining the provisions on "hold-harmless" amounts that apply to fiscal year 1999. Most of the substance of law that is currently applicable would be retained, but the section as a whole would be significantly shortened.

Section 120C(c)(1)(A) would clarify (without substantive change) section 1124(a)(1), relating to the allocation of basic grants to LEAs.

Section 120C(c)(1)(B) would redesignate paragraphs (3) and (4) of section 1124(a) as paragraphs (4) and (5).

Section 120C(c)(1)(C) would revise, in their entirety, the statutory provisions governing the calculation of LEA basic

grants in section 1124(a)(2) and move some of those provisions to section 1124(a)(3) to improve the section's structure and readability. As amended, section 1124(a)(2)(A) would direct the Secretary to make allocations on an LEA-by-LEA basis, unless the Secretary and the Secretary of Commerce (who is responsible for the decennial census and other activities of the Bureau of the Census) determine that LEA-level data on poor children is unreliable or that its use would otherwise be inappropriate. In that case, the two Secretaries would announce the reasons for their determination, and the Secretary would make allocations on the basis of county data, rather than LEA data, in accordance with new paragraph (3).

For any fiscal year for which the Secretary allocates funds to LEAs, rather than to counties, section 1124(a)(2)(B) would clarify that the amount of a grant to any LEA with a population of 20,000 or more is the amount determined by the Secretary. For LEAs with fewer people, the SEA could either allocate the amount determined by the Secretary or use an alternative method, approved by the Secretary, that best reflects the distribution of poor families among the State's small LEAs.

For any fiscal year for which the Secretary allocates funds to counties, rather than to LEAs, section 1124(a)(3) would direct the States to suballocate those funds to LEAs, in accordance with the Secretary's regulations. A State could propose to allocate funds directly to LEAs without regard to the county allocations calculated by the Secretary if a large number of its LEAs overlap county boundaries, or if it believes it has data that would better target funds than allocating them initially by counties.

In general, paragraphs (2) and (3) of section 1124(a) would retain current law, while eliminating extraneous or obsolete provisions, and making this portion of the statute much easier to read and understand than current law.

Section 120C(c)(1)(D) would revise language relating to Puerto Rico's Part A allocation (current section 1124(a)(3), which the bill would redesignate as section 1124(a)(4)) so that, over a 5-year phase-in period, its allocation would be determined on the same basis as are the allocations to the 50 States and the District of Columbia.

Section 120C(c)(2) would amend section 1124(b), relating to the minimum number of poor children needed to qualify for a basic grant, to improve its readability and to delete obsolete language.

Section 120C(c)(3)(A)(ii) would amend section 1124(c)(1), which describes the children to be counted in determining an LEA's eligibility for, and the amount of, a basic grant, to delete subparagraph (B), which permits the inclusion of certain children whose families have income above the poverty level. The number of these children is now quite small, and collection of reliable data on them is burdensome.

Section 120C(c)(3)(A)(iii) would amend section 1124(c)(1)(C), relating to counts of certain children who are neglected or delinquent, to give the Secretary the flexibility to use the number of those children for either the preceding year (required by current law) or for the second preceding year.

Section 120C(c)(3)(B)(ii) would delete the 3rd and 4th sentences of section 1124(c)(2), which provide a special, and unwarranted, benefit to a single LEA.

Section 120C(c)(3)(C) would update section 1124(c)(3), relating to census updates.

Section 120C(c)(3)(D) would repeal section 1124(c)(4), relating to a study by the National Academy of Sciences, which has been completed, and redesignate paragraphs (5) and (6) of section 1124(c) as paragraphs (4) and (5).

Section 120C(c)(3)(E)(i) would delete the first sentence of current section 1124(c)(5), which the bill would redesignate as section 1124(c)(4). This language, relating to counts of certain children from families with incomes above the poverty level, would no longer be needed in light of the deletion of these children from the count of children under section 1124(c)(1), described above.

Section 120C(c)(3)(E)(iii) and (F) would move, from current section 1124(c)(6) to current section 1124(c)(5) (to be redesignated as section 1124(c)(4)) a sentence about the counting of children in correctional institutions. This provides a more logical location for this provision.

Section 120C(c)(4)(B) would make a conforming amendment to section 1124(d).

Section 120C(d)(1)(A)(i) would remove obsolete language from section 1124A(a)(1)(A) of the ESEA, which sets eligibility criteria for LEAs to receive concentration grants under section 1124A. The current eligibility criteria would be retained.

Section 120C(d)(1)(A)(ii) would make conforming amendments to section 1124A(a)(1)(B), relating to minimum allocations to States.

Section 120C(d)(1)(B) would replace the lengthy and complicated language in section 1124A(a)(4), relating to calculation of LEA concentration grant amounts, with a simple cross-reference to the streamlined allocation provisions in section 1124(a)(3) and (4). Since the applicable rules are the same, there is no need to repeat them. In addition, the revised section 1124A(a)(4)(B) would retain the authority, unique to the allocation of concentration grants, under which a State may use up to two percent of its allocation for subgrants to LEAs that meet the numerical eligibility thresholds but are located in ineligible counties.

Section 120C(d)(2) would delete subsections (b) and (c) from section 1124A and redesignate subsection (d) as subsection (b). Subsection (b), relating to the total amount available for concentration grants, would be replaced by section 1122(a)(2). Subsection (c), providing for ratably reduced allocations in the case of insufficient funds, duplicates proposed section 1122(c).

Section 120C(e)(1) would make conforming amendments to section 1125(b) of the ESEA, relating to the calculation of targeted assistance grants under section 1125.

Section 120C(e)(2) would amend section 1125(c), which establishes weighted child counts used to calculate targeted assistance grants for both counties and LEAs, by deleting obsolete provisions and making technical and conforming amendments.

Section 120C(e)(3) would replace the lengthy and complicated language in section 1125(d), relating to calculation of targeted assistance grant amounts, with a simple cross-reference to the streamlined allocation provisions in section 1124(a)(3) and (4). Since the applicable rules are the same, there is no need to repeat them.

Section 120C(e)(4) would make a conforming amendment to section 1125(e).

Section 120C(f) would repeal section 1125A(e) of the ESEA, which authorizes appropriations for education finance incentive programs under section 1125A, and make conforming amendments to that section. Appropriations for this provision would be

covered by the general authorization of appropriations for Part A of Title I in section 1002(a).

Section 120C(g) would make a conforming amendment to section 1126(a)(1), relating to allocations for neglected children.

Section 120D, program indicators [ESEA, §1131]. Section 120D of the bill would add a new Subpart 3, Program Indicators, to Part A of Title I of the ESEA. Subpart 3 would contain only one section, §1131, which would identify 7 program indicators relating to schools participating in the Part A program, on which States would report annually to the Secretary.

PART B - EVEN START

Part B of Title I of the bill would amend Part B of Title I of the ESEA, which authorizes the Even Start program.

Section 121, statement of purpose [ESEA, §1201]. Section 121 of the bill would amend the Even Start statement of purpose in section 1201 of the ESEA by requiring that the existing community resources on which Even Start programs are built be of high quality, and by adding a requirement that Even Start programs be based on the best available research on language development, reading instruction, and prevention of reading difficulties. These amendments would reflect amendments made to other provisions of the Even Start statute in 1998 and enactment of the Reading Excellence Act (Title II, Part C of the ESEA) in that same year.

Section 122, program authorized [ESEA, §1202]. Section 122 (1) of the bill would amend section 1202(a) of the ESEA, which directs the Secretary to reserve 5 percent of each year's Even Start appropriation for certain populations and areas. As revised, section 1202(a) would emphasize that programs funded under the 5-percent reservation are meant to serve as national models; retain the current requirement to support projects for the children of migratory workers, Indian tribes and tribal organizations, and the outlying areas; specify that the amount reserved each year for the outlying areas is one-half of one percent of the available funds; and permit the Secretary to fund projects that serve additional populations (such as homeless families, families that include children with severe disabilities, and families that include incarcerated mothers of young children). The latter provision would replace the current requirement to award a grant for a program in a woman's prison when appropriations reach a certain level.

Section 122(2) of the bill would amend section 1202(b) of the ESEA, which authorizes the Secretary to reserve up to 3 percent of each year's appropriation for evaluation and technical assistance. Because other provisions of the bill would provide a new authority to fund evaluations across the entire range of ESEA programs, the specific reference to evaluations would be deleted here, and the maximum set-aside for technical assistance (the remaining activity under this provision) would be one percent. In addition, section 1202(b) would permit the Secretary to provide technical assistance directly, as well as through grants and contracts.

Section 122(3) of the bill would amend section 1202(c) of the ESEA, which directs the Secretary to spend \$10 million each

year on competitive grants for interagency coordination of statewide family literacy initiatives, to make these awards permissive rather than mandatory, and to remove the specific dollar amount that must be devoted to these awards each year. The Secretary should have the flexibility to determine the ongoing need for these awards, as well as the amount devoted to them, and whether program funds should be devoted instead to services to children and families.

Section 122(4) and (5) would make technical and conforming amendments to section 1202(d) and (e).

Section 122(5)(A) would amend the definition of "eligible organization" in section 1202(e)(2) to permit for-profit, as well as nonprofit, organizations to qualify as providers of technical assistance under section 1202(b). The current limitation unnecessarily limits the pool of providers, excluding some who are highly qualified.

Section 123, State programs [ESEA, §1203]. Section 123(1) of the bill would redesignate subsections (a) and (b) of section 1203 of the ESEA as subsections (b) and (c) and insert a new subsection (a) relating to State plans. New subsection (a)(1) would require a State that wants an Even Start grant to submit a State plan to the Secretary, including certain key information specified in the bill, including the State's indicators of program quality, which the 1998 amendments require each State to develop. Subsection (a)(2) would parallel language relating to State plans under Part A of Title I by providing that each State's plan would cover the duration of its participation in the program and requiring the State to periodically review it and revise it as necessary.

Section 123(3) and (4) of the bill would make technical and conforming amendments to section 1203.

Section 124, uses of funds [ESEA, §1204]. Section 124(1) of the bill would amend section 1204(a) of the ESEA, relating to the permissible uses of Even Start funds, by replacing a reference to "family-centered education programs" with "family literacy services". "Family literacy services" is the term used elsewhere in the statute and defined in section 1202(e)(3).

Section 124(2) would make a conforming amendment to section 1204(b)(1).

Section 125, program elements [ESEA, §1205]. Section 125 of the bill would restate, in its entirety, section 1205 of the ESEA, which lists the required elements of each Even Start

program. This restatement would provide helpful clarification and greater readability for some of these elements; reorder the elements in a more logical sequence; add some new elements; and move certain requirements that now apply to local applications and State award of subgrants (under sections 1207(c)(1) and 1208(a)(1)) to the list of program elements, where they more logically belong.

In particular, career counseling and job-placement services would be added to the examples of services that can be offered as a way to accommodate participants' work schedules and other responsibilities under paragraph (3). Paragraph (4) would be revised to require that instructional programs integrate all the elements of family literacy services and use instructional approaches that, according to the best available research, will be most effective. Paragraph (5) would contain new requirements relating to the qualifications of instructional staff and paraprofessionals that parallel the requirements proposed, under section 1119, for Part A and that are designed to ensure that Even Start participants receive high-quality services. Paragraph (6) (currently (5)) would add a new requirement that staff training be aimed at helping staff obtain certification in relevant instructional areas, as well as the necessary skills. Paragraph (8) (currently (9)) would add (to language incorporated from current section 1207(c)(1)(E)(ii)) a specific reference to individuals with disabilities as included among those who may be most in need of services. Paragraph (9) would clarify and consolidate, into a single element, the various statutory provisions that promote the retention of families in Even Start programs, including the requirement of current paragraph (7) to operate on a year-round basis, the requirement of current section 1208(a)(1)(C) to provide services for at least a 3-year age range, and the language in current section 1207(c)(1)(E)(iii) about encouraging participating families to remain in the program for a sufficient period of time to meet their program goals.

This updated statement of program elements reflects experience and research over the past several years. It will promote better program planning and higher quality programs, with better results for participating families.

Section 126, eligible participants [ESEA, §1206]. Section 126 of the bill would amend section 1206(a)(1)(B) of the ESEA to restore the eligibility of teenage parents who are attending school, but who are above the State's age for compulsory school attendance. As amended in 1994, the current statute terminates a parent's eligibility when he or she is no longer within the State's age range for compulsory school attendance, excluding

many teen parents and their children who could benefit from Even Start services.

Section 127, applications [ESEA, §1207]. Section 127(a) of the bill would amend section 1207(c) of the ESEA, relating to local Even Start plans, by emphasizing the importance of continuous program improvement; requiring a local program's goals to include outcome goals for participating children and families that are consistent with the State's program indicators; emphasize that the program must address each of the program elements in the revised section 1205; and require each program to have a plan for rigorous and objective evaluation. Current subparagraphs (E) and (F) of section 1207(c)(1) would be deleted because the substance of those provisions would be addressed in the revised statement of program elements in section 1205.

Section 127(b) of the bill would delete subsection (d) of section 1207, which purports to allow an eligible entity to submit its local Even Start plan as part of an SEA's consolidated application under Title XIV of the ESEA. This provision has had no practical effect.

Section 128, award of subgrants [ESEA, §1208]. Section 128(a)(1) of the bill would amend section 1208(a)(1) of the ESEA, relating to a State's criteria for selecting local programs for Even Start subgrants, by deleting subparagraph (C), which refers to a three-year age range for providing services, because that provision would be converted to a program element under section 1205. Section 128(a)(1) would also make technical and clarifying amendments to section 1208(a)(1).

Section 128(a)(2) would amend section 1208(a)(3) to require a State's review panel to include an individual with expertise in family literacy programs, to enhance the quality of the panel's review and selections. Inclusion of one or more of the types of individuals described in section 1208(a)(3)(A) - (E) would be made optional, rather than mandatory.

Section 128(b) of the bill would add a new authority, as section 1208(c), for each State to continue Even Start funding, for up to two years beyond the statutory 8-year limit, for not more than two projects in the State that have been highly successful and that show substantial potential to serve as models for other projects throughout the Nation and as mentor sites for other family literacy projects in the State. This would allow States and localities to learn valuable lessons from well-tested, proven programs.

Section 129, evaluation [ESEA, §1209]. Section 129 of the bill would delete paragraph (3) from the national evaluation provisions in section 1209 of the ESEA. That paragraph describes certain technical assistance activities that are more appropriately addressed under section 1202(b).

Section 130, program indicators [ESEA, §1210]. Section 130 of the bill would amend section 1210 of the ESEA to set a deadline of September 30, 2000 for States to develop the indicators of program quality required by the 1998 amendments. Those amendments did not include any deadline for the development of those indicators. In addition, the bill would add, to the current indicators that States are to develop, indicators relating to the levels of intensity of services and the duration of participating children and adults needed to reach the outcomes the State specifies for the currently required indicators.

Section 130A, repeal and redesignation [ESEA, §§1211 and 1212]. Section 131(a) of the bill would repeal section 1211 of the ESEA, relating to research. The essential elements of this section would be incorporated into the revised section on evaluations (§1209). Section 131(b) of the bill would redesignate section 1212 of the ESEA as section 1211.

PART C - EDUCATION OF MIGRATORY CHILDREN

Part C of Title I of the bill would amend Part C of Title I of the ESEA, which authorizes grants to State educational agencies to establish and improve programs of education for children of migratory farmworkers and fishers, to enable them to meet the same high academic standards as other children.

Section 131, State allocations [ESEA, §1303]. Section 131(1) of the bill would amend section 1303(a) of the ESEA, which describes how available funds are allocated to States each year. The bill would replace the current provisions relating to the count of migratory children, which are based on estimates and full-time equivalents (FTE) of these children. These provisions are ambiguous, and require either a burdensome collection of data or the continued use of increasingly dated FTE adjustment factors based on 1994 data. The bill would base a State's child count on the number of eligible children, aged 3 through 21, residing in the State in the previous year, plus the number of those children who received services under Part C in summer or intersession programs provided by the State. This approach would be simple to understand and administer, minimize data-collection burden on States, and encourage the identification and recruitment of eligible children. The double weight given to children served in summer or intersession programs would reflect the greater cost of those programs, and would encourage States to provide them.

Section 131(1) would also add, to section 1303(a), a new paragraph (2), which would establish minimums and maximums for annual State allocations. No State would be allocated more than 120 percent, or less than 80 percent, of its allocation for the previous year, except that each State would be allocated at least \$200,000. The link to a State's prior-year allocation would ameliorate the disruptive effects of substantial increases and decreases in State child counts from year to year, which are typical among migratory children. The \$200,000 minimum would ensure that each participating State receives enough funds to carry out an effective program, including the costs of finding eligible children and encouraging them to participate in the program.

Section 131(2) would revise subsection (b), which describes the computation of Puerto Rico's allocation, so that, over a 5-year phase-in period, its allocation would be determined on the same basis as are the allocations of the 50 States.

Section 131(3) would delete subsections (d) and (e) of section 1303, relating to certain consortia formed by LEAs and

the methods the Secretary must follow to determine the estimated number of migratory children in each State, respectively. Subsection (d) is unduly burdensome for States and the Department to administer, and consortia can be addressed more effectively through incentive grants under section 1308(d). Subsection (e) would have no further relevance under the revised child-count provisions of section 1303(a)(1).

Section 132, State applications [ESEA, §1304]. Section 132 of the bill would amend section 1304 of the ESEA, which requires States to submit applications for grants under the Migrant Education program, describes the children who are to be given priority for services, and authorizes the provision of services to certain categories of children who are no longer migratory.

Section 132(1)(A) would amend section 1304(b)(1) to require the State's application to include certain material that is now required to be in its comprehensive plan (but not in its application) under section 1306(a). This reflects the proposed repeal of the requirement for a comprehensive service-delivery plan that is separate from the State's application for funds, in order to streamline program requirements and reduce paperwork burden on States.

Section 132(1)(B) would amend section 1304(b)(5) to clarify the factors that States are to consider when making subgrants to local operating agencies.

Section 132(1)(C) would redesignate paragraphs (5) and (6) of section 1304(b) as paragraphs (6) and (7), respectively.

Section 132(1)(D) would insert a new paragraph (5) in section 1304(b) to require a State's application to describe how the State will encourage migratory children to participate in State assessments required under Part A of Title I.

Section 132(2)(A) and (B) would make technical and conforming amendments to section 1304(c)(1) and (2).

Section 132(2)(C) would strengthen the requirements of section 1304(c)(3) relating to the involvement of parents and parent advisory councils.

Section 132(2)(D) would make a conforming amendment to section 1304(c)(7) to reflect the bill's amendments relating to child counts.

Section 133, authorized activities [ESEA, §1306]. Section 133 of the bill would restate, in its entirety, section 1306 of

the ESEA, to delete the requirement that a participating State develop a comprehensive service-delivery plan that is separate from its application for funds under section 1304. The important elements of this plan would be incorporated into section 1304, as amended by section 132 of the bill. In addition, section 1306(a) would clarify current provisions regarding priority in the use of program funds; the use of those funds to provide services described in Part A to children who are eligible for services under both the Migrant Education program and Part A; and the prohibition on using program funds to provide services that are available from other sources.

Section 134, coordination of migrant education activities [ESEA, §1308]. Section 134 of the bill would amend section 1308 of the ESEA, which authorizes various activities to support the interstate and intrastate coordination of migrant-education activities.

Section 134(1)(A) would make for-profit entities eligible for awards under section 1308(a). The current restriction to nonprofit entities has made it difficult to find organizations with the necessary technical expertise and experience to carry out certain important activities, such as the 1-800 help line and the program support center.

Section 134(1)(B) would make a technical amendment to section 1308(a)(2).

Section 134(2) would amend section 1308(b) to remove obsolete provisions relating to the records of migratory children and to conform to the proposed deletion of references in section 1303 to the "full-time equivalent" numbers of those students in determining child counts.

Section 134(3) would increase, from \$6,000,000 to \$10,000,000, the maximum amount that the Secretary could reserve each year from the appropriation for the Migrant Education program to support coordination activities under section 1308. This increase would be consistent with the Department's appropriations Acts for the two most recent fiscal years, increase the amount available for State incentive grants under section 1308(d), and make funds available to assist States and LEAs in transferring the school records of migratory students.

Section 134(4) would amend section 1308(d), which authorizes incentive grants to States that form consortia to improve the delivery of services to migratory children whose education is interrupted. These grants would be permitted, rather than required as under current law, so that the Secretary

would have the flexibility to determine, from year to year, whether funds ought to be devoted to other activities under section 1308. The maximum amount that could be reserved for these grants would be increased from \$1.5 million to \$3 million so that, in years when these grants are warranted, they can be made to more than a token number of States. The requirement to make these awards on a competitive basis would be deleted because it is needlessly restrictive and results in an unduly complicated process of determining the merits of applications in relation to each other in years when all applications warrant approval and sufficient funds are available. Deleting this requirement would provide the Secretary with flexibility to, for example, award equal amounts to each consortium with an approvable application, or to provide larger awards to consortia including States that receive relatively small allocations under section 1303.

Section 135, definitions [ESEA, §1309]. Section 135 of the bill would delete two references to a child's guardian in the definition of "migratory child" in section 1309(2) of the ESEA, because the term "parent", which is also used in that section, is defined in section 14101(22) of the ESEA (which the bill would redesignate as section 11101(22)) to include "a legal guardian or other person standing in loco parentis".

PART D - NEGLECTED AND DELINQUENT

Part D of Title I of the bill would amend Part D of Title I of the ESEA, which authorizes assistance to States and, through the States, to local agencies, to provide educational services to children and youth who are neglected or delinquent.

Section 141, program name. Section 141 of the bill would amend the heading of Part D of Title I of the ESEA to read, "State Agency Programs for Children and Youth Who Are Neglected or Delinquent". This name would more accurately reflect the bill's proposed deletion of the authority for local programs in Subpart 2 of Part D.

Section 142 findings; purpose; program authorized [ESEA, §1401]. Section 142(a) of the bill would update the findings in section 1401(a) of the ESEA, and shorten them to reflect the proposed deletion of Subpart 2.

Section 142(b) would amend the statement of purpose in section 1401(b) to reflect the proposed deletion of Subpart 2.

Section 142(c) would amend the statement of the program's authorization in section 1401(b) to reflect the proposed deletion of Subpart 2.

Section 143, payments for programs under Part D [ESEA, §1402]. Section 143 of the bill would delete section 1402(b) of the ESEA, which requires that States retain funds generated throughout the State under Part A of Title I (Basic Grants) on the basis of youth residing in local correctional facilities or attending community day programs for delinquent children and youth, and use those Part A funds for local programs under Subpart 2 of Part D. This conforms to the bill's proposal to delete Subpart 2. Section 142 would also make other conforming amendments to section 1402.

Section 144, allocation of funds [ESEA, §1412]. Section 144 of the bill would amend section 1412(b) of the ESEA, which describes the computation of Puerto Rico's allocation under Part D, so that, over a 5-year phase-in period, its allocation would be determined on the same basis as are the allocations of the 50 States. Section 144 would also make conforming and technical amendments to section 1412(a).

Section 145, State plan and State agency applications [ESEA, §1414]. Section 145(2)(A) of the bill would amend section 1414(a)(2) of the Act, relating to the contents of a State's plan, to require the plan to provide that participating

children will be held to the same challenging academic standards, as well as given the same opportunity to learn, as they would if they were attending local public schools. Section 145 would also correct erroneous citations in section 1414.

Section 146, use of funds [ESEA, §1415]. Section 146 of the bill would correct an erroneous citation in section 1415 of the ESEA, relating to the permissible use of Part D funds.

Section 147, local agency programs [ESEA, §§1421-1426]. Section 147 of the bill would repeal Subpart 2 (Local Agency Programs) of Part D and redesignate Subpart 3 (General Provisions) as Subpart 2. The local agency program is unduly complicated for States to administer and does not promote effective services for children who are, or have been, neglected or delinquent. Those services are better provided through other local, State, and Federal programs, including other ESEA programs, such as Basic Grants under Part A.

Section 148, program evaluations [ESEA, §1431]. Section 148(1) of the bill would amend section 1431(a) of the ESEA, relating to the scope of evaluations under Part D, to conform to the proposed repeal of Subpart 2.

Section 148(2) would amend section 1431(b) to require that the multiple measures of student progress that a State agency must use in conducting program evaluations, while consistent with section 1414's requirement to provide participating children the same opportunities to learn and to hold them to the same standards that would apply if they were attending local public schools, must be appropriate for the students and feasible for the agency. This modification would recognize that, for a variety of reasons, it may not be appropriate to administer the same tests to students who are, or have been, neglected or delinquent, as are given to children of the same age who are in traditional public schools.

Section 148(3) of the bill would amend section 1431(c), relating to the results of evaluations, to reflect the proposed repeal of Subpart 2.

Section 149, definitions [ESEA, §1432]. Section 149 of the bill would delete the definition of "at-risk youth" in paragraph (2) of section 1432, and renumber the remaining paragraphs. The deleted term is used only in Subpart 2, which would be repealed.

PART E - FEDERAL EVALUATIONS, DEMONSTRATIONS,
AND TRANSITION PROJECTS

Section 151, evaluations, management information, and other Federal activities [ESEA, §1501]. Section 151 of the bill would amend, in its entirety, section 1501 of the ESEA, which authorizes the Secretary to conduct evaluations and assessments, collect data, and carry out other activities that support the Title I programs and provide information useful to those who authorize and administer that title. As revised, section 1501 would support the activities that are essential for the Secretary to carry out over the next several years: evaluating Title I programs; helping States, LEAs, and schools develop management-information systems; carrying out applied research, technical assistance, dissemination, and recognition activities; and obtaining updated census information so that funds are allocated using the most up-to-date information about low-income families. Section 1501 would also provide for the continued conduct of the national assessment of Title I and the national longitudinal study of Title I schools.

Section 1502, demonstrations of innovative practices. Section 152 of the bill would make conforming amendments to section 1502 of the ESEA.

PART F - GENERAL PROVISIONS

Section 161, general provisions [ESEA, §§ 1601-1604].

Section 161(1) of the bill would repeal sections 1601 and 1602 of the ESEA. Section 1601 sets out highly prescriptive requirements relating to regulations under Title I that should not be retained. Instead, Title I, like other ESEA programs, should remain subject to the rulemaking requirements of the Administrative Procedure Act and of section 437 of the General Education Provisions Act. Section 1602 requires the Secretary to issue a program assistance manual and to respond to certain inquiries within 90 days. These are similarly inappropriate and unwarranted restrictions on the Secretary's discretion in administering the Title I program.

Section 161(2) would redesignate sections 1603 and 1604 as sections 1601 and 1602.

PART G - READING EXCELLENCE

Section 171, reading and literacy grants to State educational agencies [ESEA, §2253]. Section 171 of the bill would amend section 2253 of the ESEA (which directs the Secretary to award grants to SEAs to carry out the reading and literacy activities described in Part C of Title II of the ESEA), which section 178(B)(1) of the bill would transfer to Part E of Title I, as follows:

Paragraph (1) would amend the current limit of one grant per State, in section 2252(a)(2)(A), to permit a State to receive sequential, but not simultaneous, grants. Thus, a State could receive a second grant after its first grant period is over.

Paragraph (2) would add, to the State application requirements in section 2253(b)(2)(B), a clause (ix) to require an SEA's application to include the process and criteria it will use to review and approve LEA applications for the two types of subgrants available under this part: local reading improvement subgrants under section 2255 and tutorial assistance subgrants under section 2256, including a peer-review process that includes individuals with relevant expertise.

Paragraph (3) would clarify the unclear language in section 2253(c)(2)(C), which requires the Federal peer-review panel, in making funding recommendations to the Secretary, to give priority to States that have modified, are modifying, or will modify their teacher certification requirements to require effective training of prospective teachers in methods of reading instruction that reflect scientifically based reading research.

Paragraph (4) would make a technical amendment to section 2253(d)(3), which permits States to use certain consortia or similar entities that it formed before enactment of the Reading Excellence Act on October 21, 1998, in lieu of a partnership that meets that Act's requirements.

Section 172, use of amounts by State educational agencies [ESEA, §2254]. Section 172 of the bill would amend section 2254 of the ESEA so that the State's cost of administering the program of tutorial assistance subgrants under section 2256 would be subject to the overall five percent limit on State administrative costs. That amount should be sufficient for all the State's costs of administering the Reading Excellence program. Any amounts set aside under the 15 percent limit in section 2254(2) would have to be used for the actual subgrants to LEAs and not for State administrative expenses.

Section 173, local reading improvement subgrants [ESEA, §2255]. Section 173(a) of the bill would amend section 2255(a) of the ESEA, which describes the LEAs that are eligible to apply for a local reading improvement subgrant under section 2255, to limit eligibility to LEAs that operate schools for grades 1 through 3. LEAs that serve only middle and/or high school students should not be eligible for this program, which is intended to help children read well and independently by the third grade.

Section 173 (b) would amend section 2255(d)(1), which describes the activities that an LEA may carry out with its subgrant, to require that the schools in which reading instruction is provided serve children in the first through third grades. As with the provision described above relating to LEA eligibility, this amendment will ensure that the program's objective of helping children to read by the 3rd grade is met.

Section 174, tutorial assistance subgrants [ESEA, §2256]. Section 174(a) and (b) of the bill would make amendments to section 2256 of the ESEA, which authorizes subgrants to LEAs for tutorial assistance, that correspond to the amendments to section 2255 (local reading improvement subgrants) that ensure that the program focuses on its intended age range, children from pre-kindergarten through the 3rd grade.

Section 174(a) would also make the following amendments to section 2256:

Paragraph (1)(B) would delete subsection (a)(1)(A), which makes an LEA eligible for a tutorial assistance subgrant if any school in its jurisdiction is located in an empowerment zone or enterprise community, because LEAs are not eligible through this route for local reading improvement subgrants under section 2255. Making the eligibility criteria the same for the two types of subgrants, as provided by this amendment, will increase the likelihood that tutorial activities are carried out in the same LEAs that receive local reading improvement subgrants, promoting the coordination of the activities supported by the two types of subgrants.

Paragraph (5) would delete, from current section 2256(a)(2)(B), which the bill would redesignate as section 2256(a)(3)(B), language conditioning the receipt of all Title I funds by each LEA that is currently eligible under section 2256 on its providing public notice of the tutorial assistance program to parents and possible providers of tutoring services. This provision is grossly disproportionate in its severity and

is not logically related to the large amounts of funds it affects under the other Title I programs. Any failure to provide the notice described in this section should be subject to the same range of consequences that attach to possible noncompliance with any other requirement of the statute.

Paragraph (6) would make conforming amendments to current section 2256(a)(3), which the bill would redesignate as section 2256(a)(4), to reflect the proposed deletion of eligibility of LEAs on the basis of having a school located in an empowerment zone or enterprise community under section 2256(a)(1)(A).

Paragraph (7) would make technical and conforming amendments to current subsection (a)(4), which the bill would redesignate as subsection (a)(5).

Section 175, national evaluation [ESEA, §2257]. Section 175 of the bill would amend section 2257 of the ESEA, which provides for a national evaluation of the program under this part, to remove a cross-reference to a current provision that earmarks funds for that evaluation. Other provisions of the bill would provide the Secretary with authority to pay for evaluations of all ESEA programs, removing the need for individual evaluation earmarks.

Section 176, information dissemination [ESEA, §2258]. Section 176(1) of the bill would amend section 2258 of the ESEA, which provides for the dissemination of program information, to reflect the transfer of the program's authorization of appropriations to section 1002(e) of the ESEA. It would also add authority for the National Institute for Literacy, which administers section 2258, to use up to five percent of the amount available each year to pay for the costs of administering that section.

Section 176(2) would add, as subsection (c) of section 2258, authority for the Secretary to reserve up to one percent of each fiscal year's appropriation for the Reading Excellence program for technical assistance, program improvement, and replication activities.

Section 177, authorization of appropriations [ESEA, §2260]. Section 177 of the bill would repeal section 2260 of the ESEA, which authorizes appropriations for the program, to reflect the transfer of the program's authorization of appropriations to section 1002(e) of the ESEA.

Section 178, transfer and redesignations. Section 178 of the bill would transfer the authority for the Reading Excellence

program, currently in Part C of Title II of the ESEA, to Part E of Title I, redesignate current Parts E and F of Title I as Parts F and G, and make other technical and conforming amendments.